



Washington State  
Department of Health  
Podiatric Medical Board  
Meeting Minutes  
January 24, 2008

The meeting of the Washington State Podiatric Medical Board was called to order by David Bernstein, DPM, Chair, at 9:12 a.m. The meeting was held at the Radisson Hotel Gateway, 18118 International Blvd, Seattle, Washington 98188.

Board Members

Participating:

David Bernstein, DPM, Chair  
Stewart Brim, DPM, Vice Chair  
James Porter, DPM  
Rex Nilson, DPM  
Amy Wong, Public Member

Staff Participating:

Blake Maresh, Executive Director  
Arlene Robertson, Program Manager  
Erin Obenland, Disciplinary Program Manager  
Dori Jaffe, Assistant Attorney General  
Joe Mihelich, Administrative Staff  
Peter Harris, Staff Attorney

Public Attendees:

Susan Scanlan, DPM, Executive Director,  
Washington State Podiatric Medical  
Association

Guest:

Gwen Felizardo, RN, BSN, CIC, Group  
Health Cooperative, Infection Control  
Practitioner

## OPEN SESSION

1. Call to Order
  - 1.1 Approval of Agenda

The agenda was approved with three deletions. Items 1.3, 4.1, and 4.4 were tabled to be considered at a future meeting.

- 1.2 Approval of Minutes - October 18, 2007

The minutes of the October 18, 2007 meeting were approved with one modification. Dr. Nilson was not in attendance at that meeting.

- 1.3 Approval of Conference Call Minutes - November 21/December 6, 2007

Tabled for review at the next meeting.

- 1.4 Approval of Conference Call Minutes - January 10, 2008

The minutes of the January 10, 2008 conference call were approved as written.

2. Gwen Felizardo, RN, BSN, CIC, Group Health Cooperative, Infection Control Practitioner, Co-Chair Tacoma-Pierce County Health Department Antibiotic Resistance Task Force, Infection Control & Prevention Committee
  - 2.1 Discuss practice policies and procedures relative to infection control in outpatient settings.
    - 2.1.1 Podiatry Project Proposal
    - 2.1.2 Infection Control Recommendations for the Podiatric Physician's Office
    - 2.1.3 Centers for Disease Control and Prevention - Standard Precautions
    - 2.1.4 Ambulatory Care Nursing Procedure - Routine Foot Care (Draft 2/9/07)
    - 2.1.5 Interim Guidelines for Evaluation & Management of Community-Associated MRSA SSTI in Outpatient Settings and Recommendations- Excerpts from Evidence-Based Monitoring Strategies and Interventions for Antibiotic Resistant Organisms January 2008 report (Complete report may be viewed at [www.doh.wa.gov](http://www.doh.wa.gov))
    - 2.1.6 HIV & Hepatitis Infection Control - P095-14

## ISSUE

Ms. Felizardo presented information on Infection Control in Foot Care taking into consideration the spread of MRSA and other infections in community settings. Group Health Infection Control performed site assessments in ambulatory primary care clinics in 2003 which identified several infection control concerns. A training program and guidelines were implemented for those types of practices. In July 2007 a patient visit occurred at a Pierce County podiatry office where several infection control concerns were identified. Common infection control issues were identified in both practice settings. Although the observations were not widespread in either of these community settings, in the few observed common infection control principles were not being followed during footcare. Footcare and podiatry procedures can pose an occupational health risk to providers and staff as well as transmit pathogenic organisms to patients through lack of adherence to accepted infection control principles and practices.

Ms. Felizardo's presentation highlighted the health risks associated with nail care, changes in national infection control practices that affect foot care, how transmission can occur, and precautions used to interrupt the spread of infectious organisms. With increasing cases of Methicillin resistant Staphylococcus aureus (MRSA) Federal and state legislative action is mandating healthcare infection reduction. CDC and other professional organizations have established guidelines for standard precautions for infection control in healthcare practices.

Standard and transmission based precautions in work practices include: hand hygiene, personal protective equipment, environmental barriers, environmental cleaning, supply management and handling, instrument handling and cleaning, and sharps safety.

## ACTION

Upon completion of Ms. Felizardo's presentation, the Board discussed the Board's HIV & Hepatitis Infection Control Guidelines - P095-14 which was adopted in 1993. The Board determined the guidelines should be updated to reflect current standards and address a broader range of infectious organisms. The Board requested that the Medical Quality Assurance Commission and Board of Osteopathic Medicine and Surgery be invited to join them in developing updated infection control guidelines.

Staff will allot time at the April 24<sup>th</sup> meeting to review and make recommendations to update to the guidelines.

3. Disciplinary Issues

3.1 Procedure 205: Initial Assessment and Case Disposition Decisions

- 3.1.1 Assessment Worksheet - Form 205A
- 3.1.2 Case Disposition Worksheet - Form 205B
- 3.1.3 Board Approved Below Threshold Criteria

ISSUE

Procedure 205, the accompanying worksheets, and the Board's below threshold criteria were reviewed. It was noted the assessment worksheet was very similar to the current worksheet being used by the Board. The case disposition worksheet is also being used but in a slightly different format.

ACTION

The Board adopted use of the revised forms. The Assessment Worksheet, Form 205A, will include the Board's approved below threshold criteria not reflected on the worksheet.

3.2 Procedure 212: Imminent Danger Cases

ISSUE

The Board reviewed Procedure 212 on management of complaints which may involve imminent danger to patients or may have an immediate adverse impact on overall community health. The process directs certain staff to convene an Expedited Case Management Team (ECMT) meeting to assess the complaint. If determined to meet the imminent danger criteria, the case would follow an expedited process as outlined in the procedure.

ACTION

The Board indicated the criteria for selecting cases was very general. Definitions should be more specific. The criteria is written so every complaint might fall within the parameters. The Board will still be required to authorize an investigation for these types of cases.

3.3 Do addicted Docs put patients at risk?

ISSUE

The news article questioned how well confidential rehab programs for physicians protect the public.

#### ACTION

The Board requested Dr. Oreskevich be asked to attend a board meeting to provide an update on WPHP operations and educate new board members on WPHP's role in providing monitoring services for impaired licensees.

#### 4. Rules

##### 4.1 Mandatory Reporting Rules

#### UPDATE

Ms. Robertson reported that the CR102 and any changes in the rule language have not been distributed. When the CR102 is filed, the Board will be sent the proposed language. Since the Board will not meet before the hearing date, board members are encouraged to provide input and concerns directly to Department staff.

##### 4.2 Retired Volunteer Medical Worker Rules

#### UPDATE

Information on the recently adopted retired volunteer medical worker rules was shared with the Board. Ms. Robertson advised that the Legislature has proposed changes to the law relative to foreign practitioners.

##### 4.3 Amending definitions and establishing standards for prescribing orthotic devices

#### ISSUE

A draft of the orthotic rules was reviewed. The definitions of the various types of orthotic devices were discussed. The draft incorporated the definitions for orthotic devices and services customarily provided by a podiatric physician when an orthotic device is prescribed.

#### ACTION

The Board expressed concern that all orthotic types appear to be defined as Prescription Orthotic Devices. It was suggested the sections be rearranged to clarify the differences. Dr. Bernstein, Ms. Jaffe, and Ms. Robertson were charged with rewriting the draft. The revised draft will be reviewed at the April meeting.

##### 4.4 Office-based Surgery - Administration of Sedation and Anesthesia, including necessary training and equipment requirements.

#### UPDATE

Ms. Robertson reported there was nothing new on the office-based surgery. The report from Facilities and Services Licensing has not been received. The Medical Quality Assurance Commission has not made a determination on how to proceed with its rules. The Board will be advised when more information is available.

#### 5. Scope of Practice

##### 5.1 Podiatry On Line: Assisting Non-Podiatric Surgeons

##### 5.1.1 Assistant Surgeon Role/Scope of practice P095-05

##### 5.1.2 New Jersey-Major surgery; qualified first assistant

#### ISSUE

The issue was brought forward after a Washington podiatrist's had a question in Podiatry On Line about assisting on non-podiatry surgeries.

#### ACTION

The Board reviewed the current policy, P095-05. The activity described would be outside the current scope of practice. As indicated in the policy, an assistant surgeon must be able to take over the surgery in case of an emergency. Any change in the scope of practice would require a statute change by the Legislature.

The Washington licensee will be advised of the Board's position.

#### 6. Correspondence

##### 6.1 National Board of Podiatric Medical Examiners - Strategic Planning

The Board was requested to assist in responding to questions about eligibility to take the National Board test in the future. Staff will forward the responses to the National Board.

#### 7. Program Manager Reports

##### 7.1 Budget Report - January 2008

Ms. Robertson reported there have been no large expenditures. The balance is a little less than the projected amount.

##### 7.2 Washington Physicians Health Program - November 2007 Statistical Information

The November report was provided for review.

7.3 Federation of State Medical Boards Annual Meeting  
Attendance - May 1-3, 2008, San Antonio, Texas

ISSUE

Ms. Robertson indicated that Dr. Bernstein had requested to attend the FSMB conference which will coincide with the Federation of Podiatric Medical Boards board of directors meeting. The FSMB extends an invitation to non-member podiatric boards to attend the annual meeting at the same cost as member boards.

ACTION

The Board approved Dr. Bernstein's request to attend the meeting.

7.4 Procedure 421 - Lists of Credential Holders, Including Labels - Delegation of approval on behalf of the Board

ISSUE

Due to changes in releasing lists of licensees, the Department is requesting the profession's program review the requests so lists are only released to qualified individuals and organizations. Delegation to staff for approval of the organizations will assist in timely processing the requests.

ACTION

The Executive Director, Deputy Executive Director, and Program Manager were authorized to make determinations relative to release of lists and labels of podiatric licensees.

8. Executive Director Reports  
8.1 Department/Division Updates

Mr. Maresh reported that the ILRS system is scheduled to go live on February 19. Staff is currently being trained. Implementation is anticipated to provide an integrated source of information for the licensing and disciplinary processes. The next phase is anticipated to provide the capability to process renewals online.

8.2 Health Systems Quality Assurance - 2007-2009 Strategic Plan

The strategic plan for the Health Systems Quality Assurance Division was reviewed by Mr. Maresh. In addition to Division goals, the plan highlights specific goals of Secretary Selecky and Governor Gregoire. Many of the

initiatives are consistent with the audit findings. The Division has completed a significant number of the action items.

9. Legislation Topics/Issues

9.1 HB 2428 - An Act Relating to multidrug resistant organisms

One of the issues being addressed in the Legislature is MRSA infection reporting. A reporting mechanism is being proposed to track cases.

9.2 HB 2816 - Relating to health care devices and procedures.

HB 2816 would require all of the medical professions to identify in rule all of the procedures and instruments that are permitted to be used within the scope of practice of each profession.

Additional Legislative Topics/Issues

Mr. Maresh reported several bills were introduced that address the audit findings. He indicated that ESHB 1103 was reintroduced, although it appears to have some elements that are different from last year.

HB 2907 would require more specific operating agreements with the Department of Health and permit an Executive Director to be selected by each Board/Commission.

There are a significant number of bills being monitored by staff.

ACTION

The Board wanted to know how they could provide input relative to bills that impact the podiatry profession and the Board's authority. Mr. Maresh indicated that Dr. Bernstein participates in a weekly conference call with HPQA staff that provides updated on information on health care related legislation to profession representatives. The WSPMA also represents the profession regarding legislative issues.

The Board authorized Dr. Bernstein to provide Dr. Scanlan the Board's perspective on legislative issues that impact the Board. The Board will rely on WSPMA to testify on bills that affect podiatric physicians.



10. (Open Session) Settlement Presentations  
(Presentations are contingent upon agreements being reached between the parties prior to a board meeting.)  
Decisions are made in Executive Session.

There were no settlement presentations.

CLOSED SESSION

11. Stipulation to Informal Disposition Presentations  
(Scheduled as needed.) Decisions are made in Executive Session.

There were no STID presentations.

12. Investigative Authorizations

One report was reviewed. The following report was closed  
Below Threshold: 2008-01-0003PO.

13. Disciplinary Case Reviews - Reviewing Board Member Reports

<u>CASE NUMBER</u>	<u>CASE DISPOSITION</u>
2007-05-0001PO	Legal review for SOC

14. Compliance Report

The report for current compliance cases was provided.

15. Open Case Report

The report for open cases was provided.

16. Application Review

There were no applications for review.

The meeting was adjourned at 2:10 p.m.

Respectfully Submitted

Arlene A. Robertson  
Program Manager

NOTE: PLEASE VISIT THE PODIATRIC MEDICAL BOARD'S WEB SITE FOR FUTURE AGENDAS AND MINUTES. <a href="http://WWW.DOH.WA.GOV">WWW.DOH.WA.GOV</a> , GO TO LICENSING AND CERTIFICATION AND YOU WILL FIND A LIST OF THE HEALTH PROFESSIONS, GO TO PODIATRIC PHYSICIANS FOR AGENDAS AND MINUTES.
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